IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

WP(C).No. 19253 of 2005(P)

OS.839/2003 of PRL.SUB COURT,THRISSUR
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PETITIONER:

BAKKER HAJI, S/O. BEERAVU HAJI
AMBALTHUVEETTIL, PUTHENPURAYIL.
ORUMANAYUR AMSOM, VATTEKAD DESOM, CHAVAKKAD TALUK.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS:
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1. MUHAMMED MUSLIYAR,
S/O. KUNHU MOIDU, CHERUMARTHYUR DESOM,
VENMANADU AMSOM, CHAVAKKAD TALUK.

2. ABDUL KHADER, S/O. KUNHI MOIDU,
CHERUMARTHAYUR DESOM, VENMANADU AMSOM,
CHAVAKKAD TALUK.

BY ADV. SRI.K.K.MOHAMED RAVUF
SRI.K.K.MOHAMED RAVUF

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE OS 839/03 FILED BY THE RESPONDENTS AGAISNT THE PTITIOENR BEFORE THE SUB CURT, THRISSUR.

EXT.P2: COPYOF THE WRITTEN STATEMENT AND COUNTER CLAIM FILED BY THE PETITIOENR IN OS 839/03

EXT.P3: COPY OF THE IA 3171/04 FILED BY THE PETITIOENR IN OS 839/03

EXT.P4: COPY OF THE PETITION IN IA 3371/04

EXT.P5: COPY OF THE ORDER IN IA 3371/04 IN OS 839/03 DATED 6.4.2005

/TRUE COPY/

P.A. TO JDUGE.

PIUS C. KURIAKOSE, J.

W.P.(C) NO. 19253 of 2005

Dated this the 16th day of August , 2007

JUDGMENT

The writ petition is remaining defective on the reason that the 2nd respondent is not served with notice. But I find that there is appearance for the first respondent. There are no conflicting interests between respondents 1 and 2. Moreover the issue according to me can be decided even in the absence of the 2nd respondent.

2. I do not find any infirmity on Ext.P5 warranting interference by this court under Article 227 of the Constitution under supervisory jurisdiction. Ext.P5 is the order in an application (I.A.No.3371/2004) filed by the petitioner under Order 11 Rule 14 of the CPC for production of certain registered documents. The learned sub Judge under Ext.P5 dismissed the application observing that there is no merit in the I.A. According to me the order which the learned Judge was expected to pass on the application filed by the petitioner was to direct respondents to produce the original of the documents or to file an affidavit regarding their inability to produce. In view of the conceded position that the documents called for were the registered

documents, Ext.P5 can be sustained and I dismiss the writ petition. But I direct the learned sub Judge to grant at least one month's time to the respondent for production of certified copies of the documents in question.

PIUS C. KURIAKOSE,

JUDGE.

Dpk